

Appln. No. 10/003,790
Amendment dated Oct. 17, 2005
Reply to Office Action of June 16, 2005
Docket No. BOC9-2001-0043 (290)

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of June 16, 2005 (Office Action). This response is filed after the 3-month shortened statutory period, and as such, a retroactive extension of time is hereby requested. The Examiner is authorized to charge the appropriate extension fee to Deposit Account 50-0951.

In the Office Action, Claims 1-2 and 7-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2002/0118808 to Kelleher, *et al.* (hereinafter "Kelleher"). Claims 3-4 and 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelleher in view of U.S. Patent No. 6,415,269 to Dinwoodie (hereinafter "Dinwoodie"). Claims 5-6 and 11-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelleher in view of U.S. Patent No. 6,765,931 to Rabenko, *et al.* (hereinafter "Rabenko").

Claims 1-3, 5-9, and 11-12 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 and 9-13 of co-pending U.S. Patent Application No. 10/003,789. Accordingly, the Applicants submit herewith an executed Terminal Disclaimer for the above-identified patent application to overcome the obviousness-type double patenting rejection. Withdrawal of the provisional obviousness-type double patenting rejection with respect to claims 1-3, 5-9 and 11-12 is respectfully requested.

Applicants have amended independent Claims 1, 3, 7, and 9 to address the claim objections noted at page 2 of the Office Action. Dependent Claims 2 -6 and 8-12 have each been amended to maintain consistency with the amended independent claim from which each depends. Independent Claims 13-19 are newly presented. The amendments and newly-presented claims are fully supported in the Specification. (See, e.g.,

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Specification, p. 6, lines 1-14.) No new matter has been introduced by virtue of these amendments.

I. Applicants' Invention

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, typified by Claim 1, is a method of call conferencing using a voice browser. The method includes establishing a voice browsing session between a calling party and the voice browser. The method further includes receiving an inbound call from an additional party, and adding the inbound call to the voice browsing session. According to the invention, the step of adding the inbound call establishes a communications link between the calling party and the additional party.

Another embodiment of the invention, typified by newly-presented Claim 13, is also a method of call conferencing using a voice browser. The method according to this embodiment includes establishing a voice browsing session between a calling party and the voice browser. Additionally, the method includes receiving one or more inbound calls from additional parties. The method further includes identifying a dialed number identification service (DNIS) of the inbound call. (See, e.g., Specification, p. 6, lines 4-10.) Based on the DNIS, the one or more inbound calls are routed to the voice browser and added to the voice browsing session. (See, e.g., Specification, p. 6, lines 10-20.)

II. The Claims Define Over The Prior Art

As noted above, independent Claims 1 and 7 were deemed upatentable over Kelleher. At page 3 of the Office Action, it is noted that Kelleher does not teach receiving an inbound call from an additional party. It is stated, however, that this feature

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is an obvious modification of Kelleher since there are two ways to establish or initiate a conference call.

Applicants respectfully assert that Kelleher itself refutes any inferred teaching, suggestion, or motivation for so modifying Kelleher. In a portion cited in the Office Action, Kelleher explicitly teaches that a "conference call is initiated by [a] conference client program 48," not by receiving inbound calls. (Paragraph 0022). The conference client program uses phone numbers of parties "listed in [a] requested user group 40 that are to be dialed into the conference." The phone numbers of all the parties, moreover, are stored in a conference calling database 78 that is stored on a conference calling server 62 accessible to a conference calling program 60.

Accordingly, Kelleher relies on a program that accesses a database of parties that are to be called, the calling in of separate parties being performed by a conference client program. Without a party's number already being stored in the database containing phone numbers to be called, that party is not "dialed into" the conference. This is precisely the opposite of the procedures of independent Claims 1 and 7, which specifically recite that inbound calls are received and then added into an on-going voice browser session to establish a voice communications link between an original party and a party whose inbound call is received.

Any implied teaching, suggestion, or motivation for modifying Kelleher to reach Applicants' invention is further refuted by the fact that such a modification would change the principle of operation underlying Kelleher. As already noted, Kelleher is based on the calling of parties whose numbers are already stored in a database. The stored numbers are an essential ingredient because Kelleher's calling program operates by accessing the database to obtain the stored numbers. Kelleher establishes a conference call by calling the numbers obtained from the database. If Kelleher is modified to accept inbound calls,

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the database is superfluous. More fundamentally, however, nothing in Kelleher remotely suggests how a program explicitly designed to establish a conference call by calling numbers already stored in a database is to be reconfigured to perform in precisely the opposite manner.

Specifically, nothing in Kelleher describes how inbound calls are to be handled using a procedure explicitly designed to call stored numbers. Even if Kelleher could be modified to handle inbound calls, modifying it to accept inbound calls would destroy the principle of its operation. Such a destruction of Kelleher's principle of operation precludes the reference's providing a proper basis for a finding of obviousness. *See, e.g., In re Ratti*, 270 F.2d 810 (CCPA 1959).

With respect to newly-presented Claims 13-19, none of the references teach or suggest, for example, identifying a dialed number identification service (DNIS) within an inbound call, let alone routing the inbound call to a voice browser based on the DNIS in order to add the inbound call to a voice browsing session. It follows that none of the references teach or suggest adding the inbound call to the voice browsing session in order to establish a voice communications link.

Applicants respectfully maintain that whereas none of the references teach or suggest each feature of independent Claims 1 and 7, the claims thus define over the prior art. Applicants also respectfully assert that whereas Claims 2-6 and 8-12 each depend from one of Claims 1 and 7 while citing additional features, these claims also define over the prior art. Additionally, Applicants respectfully assert that whereas none of the references, alone or in combination, teach or suggest the features of newly-presented Claims 13-19, these claims likewise define over the prior art.

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CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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